



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

Memorandum

Date: September 23, 2015

To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment

From: Jillian M. Harris, AICP, Planning & Zoning Administrator

Subject: **Michael Alukonis (petitioner/owner)** – Variance under Section 3.02 of the Zoning Ordinance to permit a shed approximately 5 ft. from the side property line whereas 20 ft. is required. The parcel is located at 6 Mullikin Road in the R-1 (Residential) and Aquifer Conservation Districts. Tax Map 5B, Lot 215-02. Case # 2015-36.

The following information is provided to aid in your consideration of the above referenced case. Additional background and application materials are included in your packet.

Background:

The subject parcel, Tax Map 5B, Lot 215-02, is a 1.126 acre lot located at 6 Mullikin Road. The lot lies within the R-1 (Residential, by map) and Aquifer Conservation Districts and is serviced by private well and septic. The original subdivision approval for this parcel fell within the R-3 (Residential) District in 1985, with setbacks as follows:

Front: 30 ft.

Side: 20 ft.

Rear: 60 ft.

In 2000, a zoning amendment changed the zoning of this parcel to R-1 (Residential, by map) with the following setbacks now applicable for additions, new construction and accessory structures:

Front: 50 ft.

Side: 30 ft.

Rear: 60 ft.

The petitioner received a building permit for a shed to be built approximately 20' from the side property line according to the plan submitted to the Building Dept. In July 2015 the Building Dept. and Community Development Dept. were notified by a neighbor that the shed was placed approximately 5' from the side property line. Investigation confirmed that the shed is within the side setback and therefore, the petitioner is seeking a Variance under Section 3.02 of the Zoning Ordinance to permit a shed approximately 5 ft. from the side property line whereas 30 ft. is required.

Standard of Review: It is the burden of the Petitioner to demonstrate that the five requirements for the granting of a Variance under Section 3.02 of the Zoning Ordinance have been met to permit a shed approximately 5 ft. from the side property line whereas 30 ft. is required.

cc: Correspondence & Zoning Board File

ec: Michael Alukonis, Petitioner/Owner
M.J. Grainger Engineering, Inc., LLS
Carol Miner and Fred Kelley, Building Department
Captain John Manuele, Merrimack Fire Department